IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

DATE OF DECISION: 25. 9.2007

Balwan Singh & others ...Appellants

VERSUS

Phool Singh and others …Respondents

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Krishan Singh, Advocate for the appellants

Permod Kohli, J. (Oral)

CM No.1093-C of 2006

This is an application for condonation of delay in re-filing the appeal. The application is supported with affidavit. For the reasons recorded therein, delay in refilling the appeal is condoned.

RSA NO.545 OF 2006

This Regular Second Appeal is directed against the concurrent findings of fact recorded by the courts below. Plaintiffs who are respondents in this appeal,

filed a suit for declaration to the effect that they are owners in possession of the land in dispute. They have sought correction of the sale deed no.5842 dated 27.12.1990 in respect to land measuring 12 kanals. It was pleaded that in the sale deed instead of killa no.12/1 (5-15), it was wrongly typed as Killa No.11. It was pleaded that the said mistake is a typographical one and needs to be corrected. The appellants, however, disputed the execution of the sale deed itself. The trial court found that the sale deed has been duly executed and accordingly, decreed the suit ordering correction in the sale deed vide its judgment and decree dated 20.5.2002. The First Appellate Court concurred with the findings of fact recorded by the trial court. The First Appellate Court has also found that the Killa No.11 mentioned in the sale deed was owned by Ruri Devi and thus the mistake is typographic one. The First Appellate Court dismissed the appeal of the appellants vide its judgment and decree dated 25.7.2005. In view of the concurrent findings of fact recorded by the courts below. No interference is warranted as no substantial question of law arises in this appeal.

In view of the above, I find no merit in this appeal which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

25.9.2007
MFK

NOTE:Whether to be referred to Reporter or not:NO